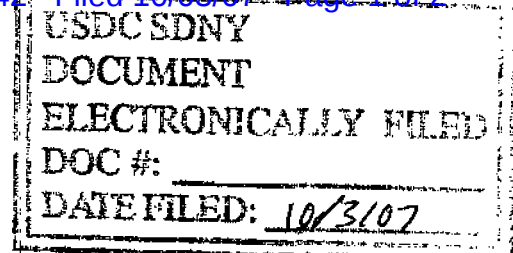


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



In Re:

TERRORIST ATTACKS
ON SEPTEMBER 11, 2001

DISCOVERY ORDER

03 MDL 1570 (GBD)(FM)

FRANK MAAS, United States Magistrate Judge.

I have reviewed letters from counsel dated September 6 and 7, 2007, relating to the proposed depositions of Philip Griffin and Fuad Rihani, as well as the attachments thereto and the transcript of the discovery conference held on June 29, 2007. During that conference, I indicated with respect to the Saudi Binladen Group ("SBG") that Mr. Griffin should be deposed first, preferably in this District under my supervision, and I reserved decision regarding the plaintiffs' request to depose Dr. Rihani.

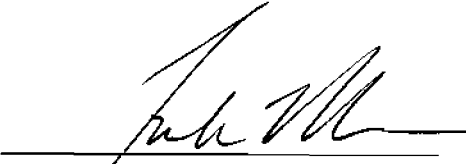
It appears undisputed that Mr. Griffin is suffering from Parkinson's disease. While that illness impairs his cognition and ability to speak, I see nothing in the letter submitted by his physician which suggests that he is incapable of being deposed or that a deposition would be likely to have a prolonged adverse effect on his health. I nevertheless am mindful that a deposition can be a stressful experience for anyone. I also recognize that traveling to New York for a deposition would impose a considerable burden on Mr. Griffin. For these reasons, I direct that Mr. Griffin be deposed for a maximum of two hours at a suitable location near his residence in Maryland. I further direct that if Mr. Griffin's physician believes it is medically necessary, the deposition be conducted over the course of two days (i.e., approximately one hour each day).

Turning to Dr. Rihani, counsel for SBG opposes plaintiffs' renewed request to depose him, but reports that Dr. Rihani will only be in the United States until mid-October and that it would be costly and burdensome to have him return to the United States thereafter for a deposition concerning jurisdictional issues. For that reason, although I continue to believe that plaintiffs are stretching the discovery envelope, I will also permit a two-hour deposition of Dr. Rihani. Based upon the prior court-supervised deposition of Mr. Smith, I question whether there is any real need for that deposition to be

held before me. Nonetheless, if SBG would prefer that I oversee the questioning, Mr. Gauch should contact my Chambers together with plaintiffs' counsel to arrange a suitable date and time.

SO ORDERED.

Dated: New York, New York
October 3, 2007



FRANK MAAS
United States Magistrate Judge

Copies to:

Hon. George B. Daniels
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